

REMARKS

Claims 1 and 4-7 have been amended. No new matter has been added. Applicants reserve the right to pursue the original claims in this or other applications. Claims 10 and 11 have been canceled.

Claims 1 and 4-6 stand rejected under 35 U.S.C. § 112, second paragraph based on insufficient antecedent basis for a claim limitation. The claims have been amended to obviate the rejection.

Claim 1 stands rejected under 35 U.S.C. § 112, second paragraph. The claim has been amended to obviate the rejection.

Applicant is uncertain whether claims 5, 6, 7, and 11 are rejected under 35 U.S.C. § 112, as the Office Action does not explicitly state any rejection of the claims. Applicant has, however, amended each of these claims in light of the Office Action's request for "appropriate correction."

Claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by JP63019334 ("Hosaka"). The rejection is respectfully traversed.

Claim 1 recites a scaffolding system for supporting the excavated earth retaining wall by forming a polygonal closed section, comprising "a prestressed wale comprising a plurality of triangular tendon supports in a middle portion, a tendon-anchoring unit at both ends of said wale, and a connecting brace for connecting said supports and said tendon-anchoring unit; and a strut constituted by a truss or a plurality of H-beams or an H-beam having a large cross section and supporting said tendon-anchoring unit." Hosaka fails to disclose, teach, or suggest these limitations.

The Office Action relies on element 6 of Hosaka as teaching the "triangular tendon supports" recited by claim 1. The Office Action's reliance is misplaced. Element 6, as clearly presented by the Hosaka abstract, refers to a steel wire 6 whose central part is connected to the head of the jack 12. The steel wire 6 is brought into tension by extending the jack 12. Accordingly,

element 6 cannot be a “plurality of triangular tendon supports” as recited by claim 1. Additionally, the Office Action does not recite any element of Hosaka as teaching the “connecting brace for connecting [the] supports and [the] tendon-anchoring unit” as required by claim 1. Furthermore, the Office Action states “a strut, as described in the abstract,” apparently relying on the abstract’s disclosure of “shore struts” as teaching “a strut constituted by a truss or a plurality of H-beams or an H-beam having a large cross section for supporting said tendon-anchoring unit.” The Office Action’s reliance is misplaced, as the Abstract of Osaka clearly states that “[s]hore struts can thus be omitted by widening the supporting span of the waling.”

As such, Hosaka fails to disclose, teach or suggest “a plurality of triangular tendon supports ... a connecting brace for connecting [the] supports and [the] tendon-anchoring unit ... and a strut constituted by a truss or a plurality of H-beams or an H-beam having a large cross section.” Accordingly, the rejection should be withdrawn, and the claim allowed.

Claim 2 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Hosaka. The rejection is respectfully traversed. Claim 2 depends from claim 1 and is allowable along with claim 1.

Claim 3 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Hosaka. The rejection is respectfully traversed. Claim 3 depends from claim 1 and is allowable along with claim 1, and on its own merits. Specifically, claim 3 recites the system as defined in claim 1 “wherein [the] triangular tendon support is supported and connected by an intermediate pile.” The Office Action relies on Hosaka’s element 10 as teaching the “intermediate pile” of claim 3. The Office Action’s reliance is misplaced. Element 10 of Hosaka does not “connect[]” element 6, which is being relied on to teach the triangular tendon support. Accordingly, the rejection should be withdrawn, and the claim allowed.

Claim 4 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Hosaka. The rejection is respectfully traversed. Claim 4 depends from claim 1 and is allowable along with claim 1.

Claim 5 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Hosaka. The rejection is respectfully traversed. Claim 5 depends from claim 1 and is allowable along with claim 1, and on its own merits. Specifically, claim 5 recites the system as defined in claim 1 “wherein said tendon-anchoring unit forms an isosceles triangle, the corner of said isosceles triangle is reinforced by a reinforcing member, wherein said tendon is fixed at one corner of said isosceles triangle and a member facing said corner is directly connected to a truss strut or through a hydraulic jack or a screw jack, and the portion connected with said wale has a length adjusting function.”

Hosaka’s element 5, as relied on by the Office Action, does not form an isosceles triangle. The Office Action appears to be relying on the triangle formed by portions of element 6, elements 10 and 12, and portions of element 2. This triangle is not an isosceles triangle. To the extent any type of triangle is formed, the triangle includes the steel wire 6, which is the item being anchored, and therefore should not be considered part of the “tendon-anchoring unit” that is required by claim 5 to form the isosceles triangle. Including element 6 to form the required triangle is improper. Additionally, the Office Action appears to rely on elements 10 and 12 of Hosaka as teaching the “member facing said corner [that] is directly connected to a truss strut or through a hydraulic jack or a screw jack,” but neither base metal 10 nor jack 12 is connected to a truss strut. Finally, jack 12 only contacts steel wire 6, while element 10 only contacts the waling 2, consequently, “the portion connected with said wale” (element 10) does not have “a length adjusting function.” Accordingly, the rejection should be withdrawn, and the claim allowed.

Claim 6 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Hosaka. The rejection is respectfully traversed. Claim 6 depends from claim 1 and is allowable along with claim 1, and on its own merits. Specifically, claim 6 recites the system as defined in claim 4 “wherein [the] tendon-anchoring unit forms a trapezoid, the corner of [the] trapezoid is reinforced by a reinforcing member, [the] tendon is fixed at both corners, and the middle portion is directly connected to [the] truss strut or through a hydraulic jack or a screw jack.” Hosaka’s element 5, as relied on by the Office Action, does not form a trapezoid. The Office Action’s reliance on the shape formed by element 6 in combination with elements 10, 12, and portions of element 2 is improper. This shape is not a trapezoid. To the extent a shape resembling a trapezoid is formed, the trapezoid

includes the steel wire 6, which is the item being anchored, and therefore cannot be part of the "tendon-anchoring unit" required by claim 6. Additionally, because no trapezoid is formed, no "middle portion" is "directly connected to [the] truss strut." Finally, there is no truss strut. To the extent the Office Action is relying on Hosaka's element 6 as teaching the "middle portion," Applicant notes that element 6 is not "directly connected to a truss strut or through a hydraulic jack or a screw jack." Neither base metal 10 nor jack 12 is connected to a truss strut. Accordingly, the rejection should be withdrawn, and the claim allowed.

Claim 7 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Hosaka. The rejection is respectfully traversed. Claim 7 depends from claim 1 and is allowable along with claim 1, and on its own merits. Specifically, claim 7 recites the system as defined in claim 4 "wherein said tendon anchoring unit is provided with an inclined or vertical strut, a tendon entered from one side of said tendon-anchoring unit is fastened at an opposite side, a single wale or a double wale may be supported by said tendon-anchoring unit, and said tendon-anchoring unit is equipped with a screw jack or a precedent load jack having a length adjusting function." Hosaka's jack 12 is used to produce tension in steel wire 6 and is placed between two Hosaka-elements 5. Jack 12, based on its position, is not part of the tendon-anchoring unit, and cannot meet the "tendon-anchoring unit [being] equipped with a screw jack or a precedent load jack having a length adjusting function" requirement of claim 7. Accordingly, the rejection should be withdrawn, and the claim allowed.

Claim 8 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Hosaka. The rejection is respectfully traversed.

Claim 8 recites a scaffolding system forming a polygonal closed section only by using a prestressed wale comprising "a plurality of triangular tendon supports in the middle portion, a tendon-anchoring unit at both ends of said wale, and a connecting brace for connecting said supports and said tendon-anchoring unit." Hosaka fails to disclose, teach, or suggest these limitations.


Hosaka does not teach "a plurality of triangular tendon supports in the middle portion" as it shows only jack 12 and base metal 10 in the middle portion, which are neither "triangular," nor "a plurality." Additionally, the Office Action relies on Hosaka's element 3 as teaching the "connecting brace" of claim 8. The Office Action's reliance is misplaced. Element 3 of Hosaka connects two receivers 7, and does not connect Hosaka's element 5 (relied on by the Office Action as teaching the "tendon-anchoring unit") with any of the plurality of "triangular tendon supports," as no "triangular tendon supports" have been identified by the Office Action. Accordingly, the rejection should be withdrawn, and the claim allowed.

Claim 9 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Hosaka. The rejection is respectfully traversed. Claim 9 depends from claim 8 and is allowable along with claim 8, and on its own merits. Specifically, claim 9 recites the system as defined in claim 8, where the "tendon-anchoring unit is a corner anchoring unit and is designed to be connected with said wale and to fix a tendon at both sides." The Office Action relies on Hosaka's element 5 as teaching the tendon-anchoring unit of the present application. Hosaka element 5, as shown by Hosaka's FIG. 1, is not a corner anchoring unit. Hosaka's elements 4 and 3 occupy the corner and act as spacers for wales that extend in different directions away from the corner. As such, Hosaka does not teach a "tendon-anchoring unit [that] is a corner anchoring unit" as recited by claim 9. Accordingly, the rejection should be withdrawn, and the claim allowed.

In view of the above, Applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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